

### **REMARKS/ARGUMENTS**

In response to the Final Office Action mailed August 28, 2007, Applicants propose to amend their application and request reconsideration in view of the proposed amendments and the following remarks. In this amendment, claim 1 is proposed to be amended, no claims have been cancelled without prejudice and no claims have been added so that claims 1-6 remain pending.

Claims 1-4 were rejected as being anticipated by U.S. Patent No. 5,476,506 to Lunn and Claims 5-6 were rejected as being unpatentable over Lunn. These rejections are respectfully traversed.

Anticipation exists only if all of the elements of the claimed invention are present in a system or method disclosed, expressly or inherently, in a single prior art reference. Therefore, if it can be shown that there is one difference between the claimed invention and what is disclosed in the single reference, there can be no anticipation.

The MPEP, in section 706.02(j), sets forth the basic criteria that must be met in order to establish a *prima facie* case of obviousness:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In *re Vaeck*, 947 F.2d,488,20 USPQ2d 1438 (Fed.Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.

Serial No. 10/622,725

Section 2143.03 of the MPEP clarifies certain criteria in section 706.02(j).

“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In *re Royka*, 490F.2d 981, 180 USPQ 580 (CCPA 1074). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” In *re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In *re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.Cir. 1988).”

Lunn discloses a bi-directional crimped graft. The graft is generally a thin walled hollow cylinder having a first open end and a second open end. The graft is divided into end portions adjacent open ends with a central portion there between. Each end portion is provided with a series of longitudinally extending pleats or crimps each comprised of a ridge and a trough. The central portion is provided with a series of circumferential crimps ends of which are comprised of a ridge and a trough. Each end portion of the graft is affixed to an expandable stent by such means of suturing or employing an adhesive, staples, barbs, pins or the like.

Serial No. 10/622,725

Lunn fails to disclose or suggest the device of amended independentt claim 1. Specifically, as stated above, Lunn comprises a device that clearly utilizes stents on the end portions of the device. In the claimed invention, the stent extends through the entire or substantially the entire device. Claim 1 was amended to clearly indicate that there is a single stent covered by the graft material. It is simply a different design. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

A favorable action on the merits is earnestly solicited.

Respectfully submitted,

/Carl J. Evens/

By: \_\_\_\_\_  
Carl J. Evens  
Reg. No. 33,874

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-2518  
Dated: October 22, 2007